

No. 83-595

IN THE
SUPREME COURT
OF THE
UNITED STATES

OCTOBER, 1983

KENNETH R. SNOW, ROY HULL,
and GUY J. SANSON,

Petitioners,

v.

QUINAULT INDIAN NATION, s/k/a QUINAULT TRIBE;
QUINAULT TRIBAL COUNCIL; and EDYTH E. CHENOWE,

Respondents.

**BRIEF OF STATES OF WASHINGTON AND
MONTANA AS AMICI CURIAE IN SUPPORT
OF PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT**

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QUESTIONS PRESENTED

I. Does the power of tribal self-government, as recognized by federal law, include the power to tax a non-Indian's business conducted on land owned in fee by the non-Indian within the boundaries of the tribe's reservation?

II. Do the equal protection guarantees of the Fifth Amendment of the United States Constitution prohibit Congress from authorizing or allowing an Indian Tribe to impose a tax upon a non-Indian reservation resident who, though a United States citizen, has none of the rights of participation in tribal government enjoyed by tribal members?

III. Does 25 U.S.C. § 1302(8), which provides that "No Indian tribe in exercising the power of self-government shall * * * deny to any person within its jurisdiction the equal protection of its laws * * *" create a federal right which is enforceable in the federal courts through declaratory or injunctive relief by non-Indians who are subject to a discriminatory tribal tax?

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**INTEREST OF THE STATES OF WASHINGTON
AND MONTANA**

In the State of Washington, there are twenty-five Indian Reservations. The population and land ownership patterns on these Reservations, which give rise to the State's concern in this case, are not unfamiliar to this Court from previous cases.¹

¹See *Puyallup Tribe v. Washington Department of Game*, 391 U.S. 392, at 395, n. 1 (1968), and 433 U.S. 165, at 174 (1977) (*Puyallup Reservation*); *Oliphant v. Suquamish Tribe*, 435 U.S. 191, at 193, n. 1 (1978) (*Port Madison Reservation*); *Washington v. Confederated Tribes of the Colville Reservation*, 447 U.S. 134, at 143, 144 (1980) (*Colville, Lummi*,

Much of the land on these reservations has passed into non-Indian ownership, pursuant to federal policies which, though initiated in the last quarter of the last century,² continue in their effect to this day. According to 1980 census data, some 79,000 persons live within twenty-three of these reservations, of whom some 16,000 are Indians, and the rest, some 63,000, are non-Indians.³

Although not as accentuated, the pattern in Montana is similar. There are seven reservations, with a total population of some 50,000 persons, of whom some 24,000 are Indians and the rest, about 26,000, are non-Indians. And nation-wide the pattern is almost identical to that in Montana. There are 268 reservations, located in 33 states, with a total population of 682,000, of which slightly more than half are non-Indian.⁴

The interest of the two amici States in this case is two-fold. First, there is the same interest which prompted the participation of the Washington Attorney General as

Makah, and Yakima Reservations); and *United States v. Mitchell*, — U.S. — (1983), 51 L.W. 4999, 5000.

²These policies were principally embodied in the General Allotment Act of 1887, 24 Stat. 388.

³Two of the twenty-five have no population at all. See General Population Characteristics, United States Summary, 1980 Census of Population, Bureau of the Census, Table 71, "General Characteristics for American Indian Persons on Reservations and Alaska Native Villages," pp. 1-300 through 1-303. We have taken from this table, and reproduced as Appendix A of this brief a list of every reservation (excluding Alaska Native Villages) the total population for each, and the Indian population for each. The classification in this table, it should be noted, allows only an approximation of tribal and non-tribal members, since some Indians may well not be members of the tribe on whose reservation they reside.

These non-member Indians are, vis-a-vis the Tribe, in the same legal status as non-Indians. Cf. *Washington v. Confederated Tribes of the Colville Reservation*, 447 U.S. 134, at 161 (1980). And our concern, accordingly, extends to them as well. We shall, however, use in this brief the Census Bureau classification, "Indian" and "Non-Indian", rather than "member" and "non-member".

⁴See Appendix A. The above totals include Washington and Montana.

amicus curiae in *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978), and which similarly prompted the Montana Attorney General to resist the jurisdictional claims of the Crow Tribe in *Montana v. United States*, 450 U.S. 544 (1981), reversing 604 F.2d 1162 (9th Cir. 1979). Simply put, that interest is in protecting a large group of the State's citizens from the power of a tribal government in which they cannot participate or even influence the formulation of tribal decisions, and whose actions, even when discriminatory, can only be avoided by giving up their present homes or businesses and moving off the reservation. After *Oliphant*, protection exists in the criminal area. But at least in the Ninth Circuit, little, if any, exists in the civil area.⁵

Second, if the decision below stands, we fully expect to be facing claims that tribal assertions of civil jurisdiction over non-Indians on non-Indian land preempt state and local jurisdiction, not only in the area of taxation, but in other areas as well, such as land use, building codes, and regulation of rights to surplus waters.⁶ A reversal of the decision below would, we believe, significantly reduce future litigation between the Tribes and the States or their local governments, of which we have had enough already.

REASONS FOR GRANTING THE WRIT

THIS CASE PRESENTS IMPORTANT QUESTIONS OF FEDERAL LAW AFFECTING INDIANS AND NON-INDIANS NATIONWIDE WHICH HAVE NOT BEEN, BUT SHOULD BE, SETTLED BY THIS COURT.

⁵And this is so even after *Montana v. United States*.

⁶The preemption claim is already being asserted by at least one Washington Tribe. See *Confederated Tribes and Bands of the Yakima Indian Nation v. Whiteside*, No. C 83-604-JLQ, U.S. District Court, Eastern Dist. Wash., in which the Yakima Tribe is attempting to enjoin the application of the Yakima County zoning regulations to a development by a non-Indian on his own land within the exterior boundaries of the Yakima Reservation.

A. Introduction: The Relationship Between the Issues.

Before discussing each of the Questions Presented separately, a word regarding their relationship to each other may be helpful. As a result of the lower court's decision, Indian Tribes in States encompassed by the Ninth Circuit find themselves in the happy position of being completely unfettered in their governance of non-Indians. And the tens of thousands of non-Indians who happen to live within the reservations of these tribes—even though on their own land—are in quite the opposite position.⁷ For the tribal governments are, with respect to these non-Indians, free of the major political and legal constraints to which other governments, federal, state and local, are subject.

"A fundamental principle of our representative democracy is, in Hamilton's words, 'that the people should choose whom they please to govern them'." *Powell v. McCormack*, 395 U.S. 486, at 547 (1969). And as stated in *Nevada v. Hall*, 440 U.S. 410, 426 (1979), "In this Nation each sovereign governs only with the consent of the governed." For the Petitioners, however, who lawfully reside on the Reservation at the invitation of the United States (see, page 8, *infra*), this "fundamental principle" has become a nullity. As non-members of the Tribe, they cannot participate in the exercise of the tribal governmental power to which they are now subject. And the Tribe is completely free, in the exercise of that power, from the political constraints which this participation would entail.

The situation becomes even worse for the Petitioners—and better for the Tribe—because the decision below jettisons a second fundamental principle of our democratic system. In addition to the inherent constraints on governmental power imposed by requiring the consent of the gov-

⁷In Washington and Montana alone, there are about 89,000. See p. 2, *supra*. The number for each of the other states is computable from Appendix A.

erned, there are the external constraints, imposed by federal and state constitutions and enforced by a system of state and federal courts, which culminates in this Court, as the ultimate guarantor of our federal constitutional rights. But ever since *Talton v. Mayes*, 163 U.S. 376 (1896), even federal constitutional constraints have been held inapplicable to tribal governments, at least insofar as tribal members are concerned.

In an effort to fill this constitutional gap, Congress enacted the Indian Civil Rights Act, 25 U.S.C. §§ 1301-1303. But whatever protection that may have provided to the Petitioners has been effectively nullified by the court below. For it has made the federal courts off-limits to those who would invoke those courts to enforce the rights conferred by that Act, except where their person is constrained and habeas corpus is available.

Thus, for the Petitioners and for all those similarly situated in the Ninth Circuit, the court below has created a system of governmental power which is subject neither to democratic control nor to external legal controls. The absence of one set of controls worsens the consequences which flow from the absence of the other, as is shown by the facts of this case. Not only are the Petitioners taxed by a government in which they can have no participation; the type of tax imposed by that government is not subject to effective legal challenge, no matter how discriminatory it might be.

Did the Congress intend that Petitioners would be subject to such a system? And if so, is it constitutionally permissible for the Congress to adopt such a system? These are the fundamental issues raised by the questions presented, to which we now briefly turn.

B. Whether An Indian Tribe May Validly Impose A Tax Upon For Non-Indian Reservation Residents For Conducting A Business On Their Own Land Is An Issue Of Nationwide Importance That Should Be Resolved By This Court.

In *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982) this Court held (with Stevens, J., Burger, C.J., and Rehnquist, J., dissenting) that an Indian Tribe has the power to impose a tax upon non-Indians producing oil and gas upon *tribal lands*. The first question presented involves the scope of that decision. Does it apply as well to non-Indians, such as the Petitioners, engaging in business activities upon their own lands rather than upon Indian lands? The court below held that it did.

In so holding, the court took a huge step which, creates the major problem which concerns the States here and which, far from being required by *Merrion*, was absolutely contrary to what the Court there said about the scope of tribal government power.

⁶⁴⁰ We do not question that there is a significant territorial component to tribal power: a tribe has no authority over a nonmember until the nonmember enters *tribal lands* or conducts business with the tribe." *Merrion*, 455 U.S. at 142.⁶ (Emphasis supplied)

The source of this tribal power, however, is not merely the Tribe's power as a landowner. For the opinion immediately continues:

"* * * However, we do not believe that this territorial component to Indian taxing power, which is discussed in these early cases, means that the tribal

"With respect to the second element in this "territorial component," i.e., conducting business with the Tribe, Petitioner Snow sells tribal fishing permits to tourists at his general store in Amanda Park, and the Tribe maintains an account there. Pet. App. A-19. The record, however, shows no business conducted with the tribe by either of the other two Petitioners. The opinion of the court below made no mention of these minimal dealings with the Tribe by Petitioner Snow, since its rationale was in no way dependent upon the existence of such dealings. Thus, under the opinion below, the only way for the Petitioners to avoid the tribal tax is to cease all on-reservation business completely. Simply ceasing all business with the Tribe will not suffice, despite this Court's statement to the contrary in *Merrion*.

Further, under the opinion below, the door is now open to a property tax on non-Indians' homes, and a tax on their income—taxes which they can avoid only by moving off the reservation. Simply avoiding any business contacts with Indians will not suffice.

authority to tax derives solely from the tribe's power to exclude nonmembers from tribal lands." *Id.*

Indeed, the Court had already established two years before that the source of the taxing power is retained tribal sovereignty, but that this power also is limited by the territorial component spoken of in *Merrion*.

"In *Washington v Confederated Tribes of Colville Indian Reservation*, 447 US 134 * * * (1980) (*Colville*), we addressed the Indian tribes' authority to impose taxes on non-Indians doing business on the reservation. We held that '[t]he power to tax transactions occurring on trust lands and significantly involving a tribe or its members is a fundamental attribute of sovereignty which the tribes retain unless divested of it by federal law or necessary implication of their dependent status. *Id.*, at 152. * * *" 455 U.S. at 137 (Emphasis supplied)

The court below has now jettisoned this territorial component which had been recognized in *Merrion* and, before that, in *Colville*. By so doing, it has made some 89,000 persons in Washington and Montana and about four times that number nationwide potentially subject to the unfettered power of Indian tribes. And not just taxing power, but all the other governmental powers which are included within the concept of "sovereignty" are now involved.

The court below may have been bothered by a question which it never expressly articulated, and which may also concern this Court. State sovereignty, after all, and indeed all sovereignty as we normally think of it, extends to all private persons and private lands within the sovereign's boundaries. Why should tribal sovereignty be any different?

The answer, of course, is simply that tribal sovereignty is different because Congress intended it to be different. For non-Indians, the territorial component is, in the final analysis, congressionally created, by the federal legislation which invited the non-Indians onto the reservations as landowners and residents in the first place.

This is shown by *Montana v. United States*, 450 U.S. 544 (1981). The crucial difference between the taxpayers in *Merrion* and the Petitioners here is that the Petitioners are in the same position as the landowners in *Montana*. That is, they or their predecessors were invited by the Congress onto the reservation to become landowners there, under the allotment policy which Congress adopted in the late 19th Century. See *Montana*, 450 U.S. at 559 n. 9. As there stated:

"There is simply no suggestion in the legislative history [of the allotment acts] that Congress intended that the non-Indians who would settle upon alienated allotted lands would be subject to tribal regulatory authority. Indeed, throughout the congressional debates, allotment of Indian land was consistently equated with the dissolution of tribal affairs and jurisdiction. [citations omitted] *It defies common sense to suppose the Congress would intend that non-Indians purchasing allotted lands would become subject to tribal jurisdiction* when an avowed purpose of the allotment policy was the ultimate destruction of tribal government." (Emphasis supplied)

Moreover, this territorial component is grounded in treaty provisions as well. As also shown by *Montana*, a major source of tribal authority over a reservation is found in the "exclusive use" provision or other comparable provision of the applicable treaty. Cf., Treaty of Olympia, Article II, Pet. App. A-78, A-79. To be sure, *Merrion* establishes that this tribal authority is true, albeit diminished, sovereignty, and not just the authority of a landowner. But alienation of reservation lands to non-Indians eliminates that source of tribal authority with respect to persons and transactions on the lands so alienated. *Montana*, 450 U.S. at 560, 561.

The territorial component, in short, can be traced directly back to an application of actual treaty language, as well as to the Allotment Acts.

Before leaving this question, we must again emphasize that it is a question of congressional intent, as mani-

fested in the actual language of a treaty or statute. Indeed, absent federal recognition by a treaty, as here, or a statute, or administrative action authorized by statute, Indian tribes may exist for the anthropologist, but they do not exist as far as federal law is concerned. The point made in *McClanahan v. Arizona Tax Commission*, 411 U.S. 164, 172, that one must avoid "reliance on platonic notion of Indian sovereignty * * *" and "look instead to the applicable treaties and statutes * * *" is critical here. It is equally critical in consideration of the constitutional question.

C. If Congress Intended That The Retained Sovereignty Of Indian Tribes Should Include The Power To Tax Non-Indians On Non-Indian Lands, The Rights Of Such Non-Indians Under The Fifth Amendment Of The U.S. Constitution Have Thereby Been Violated.

We add only one comment to the Petitioners' discussion of this question. (Pet., pages 36-39). The requirement that a tribal ordinance be approved by the Secretary of Interior before it becomes effective is quite common. This requirement is sometimes contained in a tribal constitution. See, e.g., *Merrion*, 455 U.S. at 150. And sometimes it is contained in a statute. See, e.g., 18 U.S.C. 1161, and *United States v. Mazurie*, 419 U.S. 544, at 558, n. 12 (1975), where the Court referred to the "* * * protection [for non-members] against arbitrary tribal action * * *" which "* * * is to some extreme assured * * *" by such a requirement. *Mazurie*, *id.*

The existence of a requirement of this sort, however, does not diminish the importance of Fifth Amendment issue, for at least three reasons.

First, such a requirement is far from universal. The Quinault tax ordinance under challenge here, for example, was not subject to secretarial approval under either the Quinault Constitution or any federal statute. Cf. Quinault Constitution, Art. IV, Pet. App. A-111. And similarly the

tribal criminal code involved in *Oliphant v. Suquamish Tribe*, 435 U.S. 191 (1978) needed no such approval. See P. 5, Brief for the United States as Amicus Curiae, No. 76-5729, O.T. 1977. Nor, so far as we can ascertain, did the tribal ordinance involved in *United States v. Montana*. See also *Southland Royalty Co. v. Navajo Tribe*, 715 F.2d 486 (10th Cir. 1983) (Secretarial approval not necessary for valid tribal tax upon non-Indian oil and gas producers.)

Secondly, far from alleviating the constitutional problem under the Fifth Amendment, a requirement of secretarial approval actually aggravates it. The Secretary can hardly say to a Tribe: "I approve your doing this", and then be heard to say to this Court: "But that is only a tribal decision, unfettered by the Fifth Amendment, not a federal decision." A more compelling case for applying *Burton v. Wilmington Parking Authority*, 365 U.S. 715 (1961) is difficult to imagine.

Thirdly, secretarial approval cannot make constitutional an assertion of tribal power over non-Indians that would otherwise be unconstitutional. As the Court stated in *Lucas v. Colorado General Assembly*, 377 U.S. 713 (1964), in holding that an otherwise unconstitutional apportionment of a state legislature was not saved by the fact that it was adopted by popular referendum:

"A citizen's constitutional rights can hardly be infringed simply because a majority of the people choose that it be." *Lucas*, 377 U.S. at 736, 737.

The result should be the same if the Secretary of Interior makes a similar choice.

D. The Decision of the Court Below Holding the Indian Civil Rights Act Unenforceable in Federal Courts is in Conflict with a Decision of the Court of Appeals for the Tenth Circuit. Resolution of this Conflict Involves an Important Issue of Federal Law.

We add only a brief comment to the Petitioner's discussion. (Pet., pages 26-36). While Indian reservations are

located in all parts of the Nation (see Appendix A), the bulk of the litigation involving non-Indians appears to arise in the Eighth, Ninth, and Tenth Circuits, with perhaps the last two predominating. Thus, the conflict between the Ninth and Tenth Circuits arising from the decision below and *Dry Creek Lodge, Inc. v. Arapahoe and Shoshone Tribes*, 623 F.2d 682 (10th Cir. 1980), cert. den. 49 U.S. 1118 (1981) is especially troublesome, and is likely to become more so unless resolved by this Court. The problem will not simply go away.⁹

⁹The problem becomes aggravated by the fact that one cannot usually look to tribal courts for an effective remedy, as strikingly shown by the following discussion of judicial review of tribal decisions found in Pevar, *The Rights of Indians and Tribes, An American Civil Liberties Union Handbook*, Bantam Books, 1983, page 272. Though directed to the problems facing an aggrieved Indian, the discussion is applicable to those of a non-Indian as well.

"To give an example, suppose your tribal council refuses to certify you as a candidate for elective office. Can you sue the tribe in tribal, state or federal court? *Few tribes have given their courts jurisdiction over cases brought against the tribe.* Consequently your lawsuit in tribal court would be dismissed for lack of jurisdiction. The state and federal courts are closed to you too, because Indian tribes have the same 'sovereign immunity' from suit that other governments have, which means they cannot be sued without their permission. *Consequently, although your rights have been violated, there is no court in the country that can help you.*" (Emphasis supplied.)

Conclusion

In Article IV, § 4 of the United States Constitution, the United States guarantees to every State "a republican form of government." This provision is not, we realize, judicially enforceable. *Luther v. Borden*, 48 U.S. (7 How.) 1 (1849). But it merits attention here, nevertheless. For this court has defined at least the contours of the concept.

"By the Constitution, a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves. * * *" *Duncan v. McCall*, 139 U.S. 449, at 461 (1891). See also, *The Federalist*, No. 39 (Madison), Cooke, Ed., Meridian Books, 1961, page 250.

As pointed out by Madison, the government of the United States is republican in form because the United States Constitution has made it so; and similarly, the governments of the various states are republican in form because the state constitutions have made them so. The concept has always been absolutely central to all governments in this Nation, from its very beginning.

Tribal government over non-Indians, however, as exemplified by the taxing ordinance involved here, hardly fits within that concept. And it should not be supposed that the Congress has attempted to establish, or even has the power to establish, a form of government so absolutely alien to that concept.

Respectfully submitted,

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APPENDIX A

RESERVATIONS	Total Persons	Total Indians
Acoma Pueblo, N. Mex.	2,359	2,268
Agua Caliente Reservation, Calif.	13,743	65
Alabama-Coushatta Reservation, Tex.	504	494
Alamo Reservation, N. Mex.	1,072	1,062
Allegany Reservation, N.Y.	7,681	925
Alturas Rancheria, Calif.	7	7
Annette Island Reserve, Alaska	1,195	958
Augustine Reservation, Calif.	—	—
Bad River Reservation, Wis.	916	699
Barona Rancheria, Calif.	300	222
Bay Mills Reservation, Mich.	322	283
Benton Paiute Reservation, Calif.	12	12
Berry Creek Rancheria, Calif.	—	—
Big Bend Rancheria, Calif.	11	8
Big Cypress Reservation, Fla.	387	351
Big Lagoon Rancheria, Calif.	11	8
Big Pine Rancheria, Calif.	396	269
Bishop Rancheria, Calif.	1,125	784
Blackfeet Reservation, Mont.	6,660	5,080
Bois Forte Reservation (Nett Lake), Minn.	416	392
Bridgeport Colony, Calif.	55	47
Brighton Reservation, Fla.	338	323
Burns Reservation, Oreg.	167	160
Cabazon Reservation, Calif.	815	8
Cachil Dehe Rancheria, Calif.	17	17
Cahuilla Reservation, Calif.	56	29
Campo Reservation, Calif.	100	86
Camp Verde Reservation, Ariz.	200	173
Canoncito Reservation, N. Mex.	978	969
Capitan Grande Reservation, Calif.	—	—
Carson Colony, Nev.	227	213
Catawba Reservation, S.C.	998	728
Cattaraugus Reservation, N.Y.	1,994	1,855
Cedarville Rancheria, Calif.	6	6
Chehalis Reservation, Wash.	405	200
Chamehuevi Reservation, Calif.	265	23
Cheyenne River Reservation, S. Dak.	1,826	1,529
Chitimacha Reservation, La.	1,300	185
Cochiti Pueblo, N. Mex.	839	613
Cocopah Reservation, Ariz.	355	349
Coeur d'Alene Reservation, Idaho	4,911	538

RESERVATIONS	Total Persons	Total Indians
Cold Springs Rancheria, Calif.	65	63
Colorado River Reservation, Ariz.-Calif. ...	7,873	1,965
Colville Reservation, Wash.	7,047	3,500
Cortina Rancheria, Calif.	6	2
Coushatta Reservation, La.	—	—
Coyote Valley Rancheria, Calif.	9	—
Crow Reservation, Mont.	5,973	3,953
Crow Creek Reservation, S. Dak.	1,787	1,474
Cuyapaipe Reservation, Calif.	2	2
Deer Creek Reservation, Minn.	219	7
Dresslerville Colony, Nev.	129	127
Dry Creek Rancheria, Calif.	46	41
Duck Valley Reservation, Idaho-Nev.	1,041	932
Duckwater Reservation, Nev.	106	103
Eastern Cherokee Reservation, N.C.	5,717	4,844
Eastern Pequot Reservation, Conn.	29	16
Ely Colony, Nev.	78	67
Enterprise Rancheria, Calif.	16	16
Fallon Colony, Nev.	64	46
Fallon Reservation, Nev.	279	258
Flandreau Reservation, S. Dak.	169	158
Flathead Reservation, Mont.	19,628	3,771
Fond du Lac Reservation, Minn.	2,853	514
Fort Apache Reservation, Ariz.	7,774	6,880
Fort Belknap Reservation, Mont.	2,060	1,870
Fort Berthold Reservation, N. Dak.	5,577	2,640
Fort Bidwell Reservation, Calif.	98	93
Fort Hall Reservation, Idaho	4,783	2,542
Fort Independence Reservation, Calif.	61	31
Fort McDermitt Reservation, Nev.-Oreg. ...	472	463
Fort McDowell Reservation, Ariz.	349	345
Fort Mojave Reservation, Ariz.-Calif.-Nev..	219	127
Fort Peck Reservation, Mont.	9,921	4,273
Fort Totten Reservation, N. Dak.	3,313	2,261
Fort Yuma Reservation, Ariz.-Calif.	4,581	1,096
Gila Bend Reservation, Ariz.	—	—
Gila River Reservation, Ariz.	7,380	7,067
Golden Hill Reservation, Conn.	3	3
Goshute Reservation, Nev.-Utah.	105	105
Grand Portage Reservation, Minn.	281	187
Grindstone Creek Rancheria, Calif.	73	72
Hannahville Community, Mich.	211	206
Hassanamisco Reservation, Mass.	1	1

RESERVATIONS	Total Persons	Total Indians
Havasupai Reservation, Ariz.	282	267
Hoh Reservation, Wash.	67	46
Hollywood Reservation, Fla.	2,592	416
Hoopa Valley Reservation, Calif.	2,041	1,502
Hoopa Valley Extension Reservation, Calif.	1,082	411
Hopi Reservation, Ariz.	6,906	6,601
Hopland Rancheria, Calif.	13	10
Hualapai Reservation, Ariz.	849	809
Inaja-Cosmit Reservation, Calif.	—	—
Indian Township Reservation, Maine	423	333
Iowa Reservation, Kans.-Nebr.	112	26
Isabella Reservation, Mich.	23,020	517
Isleta Pueblo, N. Mex.	2,412	2,289
Jackson Rancheria, Calif.	15	15
Jemez Pubeblo, N. Mex.	1,515	1,504
Jicarilla Apache Reservation, N. Mex.	1,996	1,715
Kaibab Reservation, Ariz.	173	93
Kalispel Reservation, Wash.	106	98
Kickapoo Reservation, Kans.	461	356
Kootenai Reservation, Idaho	—	—
Lac Courte Oreilles Reservation, Wis.	1,699	1,145
Lac du Flambeau Reservation, Wis.	2,211	1,092
Laguna Pueblo, N. Mex.	3,791	3,564
La Jolla Reservation, Calif.	151	141
L'Anse Reservation, Mich.	3,289	581
La Posta Reservation, Calif.	1	1
Las Vegas Colony, Nev.	113	106
Laytonville Rancheria, Calif.	111	105
Leech Lake Reservation, Minn.	8,411	2,759
Likely Rancheria, Calif.	—	—
Lone Pine Rancheria, Calif.	248	172
Lookout Rancheria, Calif.	13	12
Los Coyotes Reservation, Calif.	51	45
Lovelock Colony, Nev.	126	117
Lower Brule Reservation, S. Dak.	1,023	850
Lower Elwah Reservation, Wash.	67	47
Lower Sioux Community, Minn.	79	65
Lummi Reservation, Wash.	2,274	1,259
Makah Reservation, Wash.	1,245	803
Manchester Rancheria, Calif.	81	77
Manzanita Reservation, Calif.	14	13
Maricopa Reservation, Ariz.	397	375
Menominee Reservation, Wis.	2,672	2,377

RESERVATIONS	Total Persons	Total Indians
Mesa Grande Reservation, Calif.	—	—
Mescalero Apache Reservation, N. Mex. . .	2,101	1,922
Miccosukee Reservation, Fla.	276	1
Middletown Rancheria, Calif.	40	39
Mille Lacs Reservation, Minn.	37	36
Mississippi Choctaw Reservation	2,866	2,756
Moapa River Reservation, Nev.	185	182
Montgomery Creek Rancheria, Calif.	1	1
Morango Reservation, Calif.	414	313
Muckleshoot Reservation, Wash.	2,991	375
Nambe Pueblo, N. Mex.	386	175
Navajo Reservation, Ariz.-N. Mex.-Utah . .	110,433	104,968
Nez Perce Reservation, Idaho	17,806	1,463
Nisqually Reservation, Wash.	254	42
Nooksack Reservation, Wash.	—	—
Northern Cheyenne Reservation, Mont. . .	3,664	3,101
Oil Springs Reservation, N.Y.	6	—
Omaha Reservation, Iowa-Nebr.	5,459	1,275
Oneida Reservation, Wis.	13,389	1,821
Onondaga Reservation, N.Y.	596	592
Ontonagon Reservation, Mich.	—	—
Osage Reservation, Okla.	39,327	4,749
Ozette Reservation, Wash.	6	1
Pala Reservation, Calif.	648	519
Pamunkey Reservation, Va.	59	50
Papago Reservation, Ariz.	7,203	6,959
Pascua Yaqui Reservation, Ariz.	562	551
Pauma Reservation, Calif.	—	—
Payson Community of Yavapai-Apache, Ariz.	—	—
Pechanga Reservation, Calif.	141	117
Penobscot Reservation, Maine	458	398
Picuris Pueblo, N. Mex.	337	116
Pine Creek Reservation, Mich.	—	—
Pine Ridge Reservation, S. Dak.	13,143	11,882
Pleasant Point Reservation, Maine	549	504
Pojoaque Pueblo, N. Mex.	1,191	94
Poospatuck Reservation, N.Y.	203	94
Port Gamble Reservation, Wash.	302	266
Port Madison Reservation, Wash.	3,415	148
Patawatomi Reservation, Wis.	224	220
Pottawatomi Reservation, Kans.	985	331
Prairie Island Community, Minn.	111	80
Puyallup Reservation, Wash.	25,188	856

RESERVATIONS	Total Persons	Total Indians
Pyramid Lake Reservation, Nev.	853	720
Quileute Reservation, Wash.	327	273
Quinault Reservation, Wash.	1,501	943
Ramah Community, N. Mex.	1,237	1,163
Ramona Reservation, Calif.	—	—
Red Cliff Reservation, Wis.	686	589
Red Lake Reservation, Minn.	2,979	2,823
Reno-Sparks Colony, Nev.	463	451
Resighini Rancheria, Calif.	21	18
Rincon Reservation, Calif.	490	297
Roaring Creek Rancheria, Calif.	25	24
Rocky Boy's Reservation, Mont.	1,650	1,549
Rosebud Reservation, S. Dak.	7,328	5,688
Round Valley Reservation, Calif.	1,268	528
Rumsey Rancheria, Calif.	13	11
Sac and Fox Reservation, Iowa	509	492
Sac and Fox Reservation, Kans.-Nebr.	114	3
St. Croix Reservation, Wis.	427	392
St. Regis Mohawk Reservation, N.Y.	1,802	1,763
Salt River Reservation, Ariz.	4,089	2,624
San Carlos Reservation, Ariz.	6,104	5,872
Sandia Pueblo, N. Mex.	683	217
Sandy Lake Reservation, Minn.	—	—
San Felipe Pueblo, N. Mex.	2,266	1,789
San Ildefonso Pueblo, N. Mex.	1,491	488
San Juan Pueblo, N. Mex.	4,365	852
San Manuel Reservation, Calif.	31	24
San Pasqual Reservation, Calif.	209	133
Santa Ana Pueblo, N. Mex.	409	407
Santa Clara Pueblo, N. Mex.	6,740	459
Santa Rosa Rancheria, Calif.	169	117
Santa Rosa Reservation, Calif.	12	12
Santa Ynez Reservation, Calif.	133	—
Santa Ysabel Reservation, Calif.	196	181
Santee Reservation, Nebr.	914	420
Santo Domingo Pueblo, N. Mex.	2,162	2,139
San Xavier Reservation, Ariz.	875	851
Sauk-Suiattle Reservation, Wash.	—	—
Sault Ste. Marie Reservation, Mich.	—	—
Schaghticoke Reservation, Conn.	6	2
Shakopee Community, Minn.	106	77
Sheep Ranch Rancheria, Calif.	2	2
Sherwood Valley Rancheria, Calif.	19	17

RESERVATIONS	Total Persons	Total Indians
Shingle Springs Rancheria, Calif.	—	—
Shinnecock Reservation, N.Y.	297	194
Shoalwater Reservation, Wash.	33	28
Sisseton Reservation, N. Dak.-S. Dak.	13,586	2,700
Skokomish Reservation, Wash.	483	305
Skull Valley Reservation, Utah.	13	13
Soboba Reservation, Calif.	258	230
Sokaogon Chippewa Community, Wis.	105	95
Southern Paiute Reservation, Utah.	1,217	196
Southern Ute Reservation, Colo.	5,739	855
Spokane Reservation, Wash.	1,475	1,050
Squaxin Island Reservation, Wash.	56	35
Standing Rock Reservation, N. Dak.-S. Dak.	8,816	4,800
Stewart's Point Rancheria, Calif.	75	72
Stockbridge Reservation, Wis.	1,272	582
Sulphur Bank Rancheria, Calif.	115	115
Summit Lake Reservation, Nev.	—	—
Susanville Reservation, Calif.	90	82
Swinomish Reservation, Wash.	1,390	414
Sycuan Reservation, Calif.	61	48
Tama Reservation, Ga.	33	30
Taos Pueblo, N. Mex.	1,421	716
Te-Moak Reservation, Nev.	91	91
Tesuque Pueblo, N. Mex.	252	235
Tigua Reservation, Tex.	503	—
Tonawanda Reservation, N.Y.	467	438
Torres-Martinez Reservation, Calif.	278	11
Trinidad Rancheria, Calif.	63	47
Tulalip Reservation, Wash.	5,046	768
Tule River Reservation, Calif.	453	424
Tunica-Biloxi Reservation, La.	63	7
Tuolumne Rancheria, Calif.	93	73
Turtle Mountain Reservation, N. Dak.	4,311	4,021
Tuscarora Reservation, N.Y.	921	873
Twenty-Nine Palms Reservation, Calif.	—	—
Uintah and Ouray Reservation, Utah.	16,909	2,050
Umatilla Reservation, Oreg.	2,619	908
Upper Sioux Community, Minn.	54	51
Upper Skagit Reservation, Wash.	5	—
Ute Mountain Reservation, Colo.-N. Mex.	1,138	1,111
Vermillion Lake Reservation, Minn.	116	103
Viejas Rancheria, Calif.	209	142
Walker River Reservation, Nev.	571	471

RESERVATIONS	Total Persons	Total Indians
Wampanoog Reservation, Mass.	—	—
Warm Springs Reservation, Oreg.	2,244	2,004
Washoe Reservation, Nev.	87	4
Western Pequot Reservation, Conn.	24	6
White Earth Reservation, Minn.	9,505	2,554
Wind River Reservation, Wyo.	23,157	4,150
Winnebago Reservation, Nebr.	2,554	1,140
Winnemucca Colony, Nev.	37	35
Wisconsin Winnebago Reservation	658	579
Woodfords Community, Calif.	308	126
XL Ranch Reservation, Calif.	24	24
Yakima Reservation, Wash.	25,363	4,983
Yankton Reservation, S. Dak.	6,541	1,688
Yavapai Reservation, Ariz.	76	66
Yerington Reservation, Nev.	421	105
Yomba Reservation, Nev.	60	57
Zia Pueblo, N. Mex.	524	524
Zuni Pueblo, N. Mex.	6,291	5,988
San Felipe/Santa Ana Joint Area, N. Mex.	—	—
San Felipe/Santo Domingo Joint Area, N. Mex.	122	116
Other reservation lands in Montana	8	1